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10/537,621	06/03/2005	Tim Neil	93422-48	8383

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EXAMINER	
JOO, JOSHUA	
ART UNIT	PAPER NUMBER
2454	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/537,621	NEIL ET AL.	
	Examiner	Art Unit	
	JOSHUA JOO	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5,7-9,11,13,15-17,19,21 and 23-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5,7-9,11,13,15-17,19,21 and 23-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

This Office action is in response to Applicant's communication filed on April 19, 2010.

Claims 1, 3, 5, 7-9, 11, 13, 15-17, 19, 21, 23-32 are pending for examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2010 has been entered.

Specification

The disclosure is objected to because of the following:

37 CFR 1.74 states,

> When there are drawings, there shall be a brief description of the several views of the drawings and the detailed description of the invention shall refer to the different views by specifying the numbers of the figures, and to the different parts by use of reference letters or numerals (preferably the latter).

The detailed description does not refer to the figures 20MMM-20PPP. Correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17, 19, 21, 23, 31-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 17, Applicant is seeking to patent a "machine-readable medium". The term "machine-readable medium" could include signals in transmission which have been held to be non-statutory. It is suggested that Applicant amend the claims to recite "non-transitory machine-readable medium" to overcome the rejection under 35 U.S.C. § 101. The suggested amendment will not be considered as "new matter".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 9, 11, 17, 19, 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chenelle et al. US Publication No. 2003/0204842 (Chenelle hereinafter.), in view of Sears et al. US Publication No. 2002/0069263 (Sears hereinafter).

As per claim 1, Chenelle teaches substantially the invention as claimed including a method of facilitating wireless communication device awareness of the availability of new server-side applications, said method comprising:

transmitting a message over a wireless connection to a set of wireless communications devices indicating that said new application is available (Paragraph 0031. Laptops. Paragraphs 0048-0049. Notification to client computers in group indicating a new program. Paragraph 0035. Programs on management computer.),

wherein said set of wireless communications devices is one of a plurality of predefined groups of multiple wireless communications device in communication with said server, said one predefined group

being selected from said plurality, wherein said automatically transmitting is only performed for selected ones of said predefined groups (Paragraph 0048. Target group from one or more group list.).

Chenelle does not specifically teach of automatically transmitting in response to a new application being made available at a server.

Sears teaches of automatically transmitting a message indicating a new application in response to the new application being made available at a server (Paragraph 0042).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to automatically transmit a message indicating a new application in response to the new application being made available at a server. The motivation for the suggested combination is that Sear's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

As per claim 9, Chenelle teaches substantially the invention as claimed including a server comprising a processor and memory in communication with said processor storing machine-executable code adapting said server to:

transmit a message over a wireless connection to a set of wireless communications devices indicating that said new application is available (Paragraph 0031. Laptops. Paragraphs 0048-0049. Notification to client computers in group indicating a new program. Paragraph 0035. Programs on management computer.),

wherein said set of wireless communications devices is one of a plurality of predefined groups of multiple wireless communications device in communication with said server, said one predefined group being selected from said plurality, wherein said automatically transmitting is only performed for selected ones of said predefined groups (Paragraph 0048. Target group from one or more group list.).

Chenelle does not specifically teach of automatically transmitting in response to a new application being made available at the server.

Sears teaches of automatically transmitting a message indicating a new application in response to the new application being made available at a server (Paragraph 0042).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to automatically transmit a message indicating a new application in response to the new application being made available at a server. The motivation for the suggested combination is that Sear's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

As per claim 17, Chenelle teaches substantially the invention as claimed including a machine-readable medium storing machine-executable code, which upon execution by a processor of a computing device, causes said device to:

transmit a message over a wireless connection to a set of wireless communications devices indicating that said new application is available (Paragraph 0031. Laptops. Paragraphs 0048-0049. Notification to client computers in group indicating a new program. Paragraph 0035. Programs on management computer.),

wherein said set of wireless communications devices is one of a plurality of predefined groups of multiple wireless communications device in communication with said server, said one predefined group being selected from said plurality, wherein said automatically transmitting is only performed for selected ones of said predefined groups (Paragraph 0048. Target group from one or more group list.).

Chenelle does not specifically teach of automatically transmitting in response to a new application being made available at the server.

Sears teaches of automatically transmitting a message indicating a new application in response to the new application being made available at a server (Paragraph 0042).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to automatically transmit a message indicating a new application in response to the new application being made available at a server. The motivation for the suggested combination is that Sear's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

As per claim 3, Chenelle teaches a group of applications associated with the selected one of said predefined groups of wireless communication devices (Paragraph 0041.) Chenelle does not specifically teach the method of claim 1 wherein said automatically transmitting is conditional upon said new application being added to the group of applications.

Sears teaches of automatically transmitting a notification of a new application upon said new application being added to a group of applications (Paragraph 0042).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the automatically transmitting to be conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices. The motivation for the suggested combination is that Sear's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

As per claim 11, Chenelle teaches the server of claim 9 including a group of applications associated with the selected one of said predefined groups of wireless communication devices (Paragraph

0041.) Chenelle does not specifically teach wherein said automatically transmitting is conditional upon said new application being added to the group of applications.

Sears teaches of automatically transmitting a notification of a new application upon said new application being added to a group of applications (Paragraph 0042).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the automatically transmitting to be conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices. The motivation for the suggested combination is that Sear's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

As per claim 19, Chenelle teaches the machine-readable medium of claim 17 including a group of applications associated with the selected one of said predefined groups of wireless communication devices (Paragraph 0041.) Chenelle does not specifically teach wherein said automatically transmitting is conditional upon said new application being added to the group of applications.

Sears teaches of automatically transmitting a notification of a new application upon said new application being added to a group of applications (Paragraph 0042).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the automatically transmitting to be conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices. The motivation for the suggested combination is that Sear's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

As per claim 25, Chenelle teaches method of claim 1 of one predefined groups of wireless communication devices associated with a group of applications (Paragraph 0041.) Chenelle does not specifically teach wherein said automatically is conditional upon said new application being added to the group of applications.

Sears teaches of automatically transmitting a notification of a new application upon said new application being added to a group of applications (Paragraph 0042).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the automatically transmitting to be conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices. The motivation for the suggested combination is that Sear's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

As per claim 26, Chenelle and Sears teach the machine-readable medium of claim 17. Sears further teaches wherein said computing device is said server (Paragraph 0033. Server.).

As per claim 27, Chenelle and Sears teach the method of claim 1 teach wherein one predefined group of said plurality is unselected such that said automatically transmitting is not performed for said unselected group (Chenelle: Paragraph 0048, 0050. Send notification to targeted group.).

As per claim 28, Chenelle and Sears teach the method of claim 3. Chenelle teaches wherein each predefined group of said plurality of predefined groups of multiple wireless communications devices represents wireless communications devices allocated to employees of a distinct department of a business enterprise (Paragraphs 0048-0049. Members of group list associated with department. Software for a

department.) and wherein the applications in said first group of applications are all related to one of the distinct departments of said business enterprise (Paragraph 0041. Programs for departments, e.g. marketing and manufacturing.).

As per claim 29, Chenelle and Sears teach the server of claim 9 teaches wherein one predefined group of said plurality is unselected such that said automatically transmitting is not performed for said unselected group (Chenelle: Paragraph 0048, 0050. Send notification to targeted group.).

As per claim 30, Chenelle and Sears teach the server of claim 11. Chenelle teaches wherein each predefined group of said plurality of predefined groups of multiple wireless communications devices represents wireless communications devices allocated to employees of a distinct department of a business enterprise (Paragraphs 0048-0049. Members of group list associated with department. Software for a department.) and wherein the applications in said first group of applications are all related to one of the distinct departments of said business enterprise (Paragraph 0041. Programs for departments, e.g. marketing and manufacturing.).

As per claim 31, Chenelle and Sears teach the machine-readable medium of claim 17 wherein one predefined group of said plurality is unselected such that said automatically transmitting is not performed for said unselected group (Chenelle: Paragraph 0048, 0050. Send notification to targeted group.).

As per claim 32, Chenelle and Sears teach the machine-readable medium of claim 19. Chenelle teaches wherein each predefined group of said plurality of predefined groups of multiple wireless communications devices represents wireless communications devices allocated to employees of a distinct department of a business enterprise (Paragraphs 0048-0049. Members of group list associated with

department. Software for a department.) and wherein the applications in said first group of applications are all related to one of the distinct departments of said business enterprise (Paragraph 0041. Programs for departments, e.g. marketing and manufacturing.).

Claims 5, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chenelle and Sears, in view of Adams et al. US Patent No. 7,546,956 (Adams hereinafter).

As per claim 5, Chenelle and Sears teach the method of claim 1 wherein selection of said predefined groups of wireless communication devices is performed in response to said new application being made available at said server. Chenelle teaches that selection is by a department but does not specifically teach that the selection is performed by a human operator via a graphical user interface.

Adams teaches of managing a plurality of devices, wherein a human operator via a graphical user interface selects predefined groups of wireless communication devices for configuration (col. 30, lines 34-36, col. 20, lines 12-22, 29-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the selection of said predefined groups of wireless communication devices to be performed by a human operator via a graphical user interface. The motivation for the suggested combination is that Adams' teachings would improve the suggested system by allowing a manager to individually manage and control devices and make manual changes as needed.

As per claim 13, Chenelle and Sears teach the server of claim 9 wherein selection of said predefined groups of wireless communication devices is performed in response to said new application being made available at said server. Chenelle teaches that selection is by a department but does not specifically teach that the selection is performed by a human operator via a graphical user interface.

Adams teaches of managing a plurality of devices, wherein a human operator via a graphical user interface selects predefined groups of wireless communication devices for configuration (col. 30, lines 34-36, col. 20, lines 12-22, 29-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the selection of said predefined groups of wireless communication devices to be performed by a human operator via a graphical user interface. The motivation for the suggested combination is that Adams' teachings would improve the suggested system by allowing a manager to individually manage and control devices and make manual changes as needed.

As per claim 21, Chenelle and Sears teach the machine-readable medium of claim 17 wherein selection of said predefined groups of wireless communication devices is performed in response to said new application being made available at said server. Chenelle teaches that selection is by a department but does not specifically teach that the selection is performed by a human operator via a graphical user interface.

Adams teaches of managing a plurality of devices, wherein a human operator via a graphical user interface selects predefined groups of wireless communication devices for configuration (col. 30, lines 34-36, col. 20, lines 12-22, 29-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the selection of said predefined groups of wireless communication devices to be performed by a human operator via a graphical user interface. The motivation for the suggested combination is that Adams' teachings would improve the suggested system by allowing a manager to individually manage and control devices and make manual changes as needed.

Claims 7, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chenelle and Sears, in view of Mayer, US Publication No. 2005/0055687 (Mayer hereinafter).

As per claim 7, Chenelle does not specifically teach the method of claim 1 wherein said message is an eXtenstible Markup Language (XML) message.

Mayer teaches a similar invention for transmitting a message when new software is available, wherein said message is an eXtenstible Markup Language (XML) message (Paragraph 0007).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to be an XML message. The motivation for the suggested combination is that Mayer's teachings would improve the suggested system by providing the message in a common format that may be understood by different devices and applications. Furthermore, Mayer's teachings would enable generic notification of updates of different applications (Paragraphs 0011-0012).

As per claim 15, Chenelle does not specifically teach the server of claim 9 wherein said message is an eXtenstible Markup Language (XML) message.

Mayer teaches a similar invention for transmitting a message when new software is available, wherein said message is an eXtenstible Markup Language (XML) message (Paragraph 0007).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to be an XML message. The motivation for the suggested combination is that Mayer's teachings would improve the suggested system by providing the message in a common format that be may understood by different devices and applications. Furthermore, Mayer's teachings would enable generic notification of updates of different applications (Paragraphs 0011-0012).

As per claim 23, Chenelle does not specifically teach the machine-readable medium of claim 17 wherein said message is an eXtenstible Markup Language (XML) message.

Mayer teaches a similar invention for transmitting a message when new software is available, wherein said message is an eXtenstible Markup Language (XML) message (Paragraph 0007).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to be an XML message. The motivation for the suggested combination is that Mayer's teachings would improve the suggested system by providing the message in a common format that may be understood by different devices and applications. Furthermore, Mayer's teachings would enable generic notification of updates of different applications (Paragraphs 0011-0012).

Claims 8, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chenelle and Sears, in view of Hofmeister et al. US Publication No. 2005/0154759 (Hofmeister hereinafter).

As per claim 8, Chenelle does not specifically teach the method of claim 1 wherein said message includes a list of applications presently available to said set of wireless communications devices.

Hofmeister teaches of automatically transmitting a message comprising a list of applications presently available to a set of wireless communications devices (Paragraph 0083).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to include a list of applications presently available to a set of wireless communications devices. The motivation for the suggested combination is that Hofmeister's teachings would improve the suggested system by allowing a user to conveniently browse applications and provide information for an expedited search.

As per claim 16, Chenelle does not specifically teach the server of claim 9 wherein said message includes a list of applications presently available to said set of wireless communications devices.

Hofmeister teaches of automatically transmitting a message comprising a list of applications presently available to a set of wireless communications devices (Paragraph 0083).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to include a list of applications presently available to a set of wireless communications devices. The motivation for the suggested combination is that Hofmeister's teachings would improve the suggested system by allowing a user to conveniently browse applications and provide information for an expedited search.

As per claim 24, Chenelle does not specifically teach the machine-readable medium of claim 17 wherein said message includes a list of applications presently available to said set of wireless communications devices.

Hofmeister teaches of automatically transmitting a message comprising a list of applications presently available to a set of wireless communications devices (Paragraph 0083).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to include a list of applications presently available to a set of wireless communications devices. The motivation for the suggested combination is that Hofmeister's teachings would improve the suggested system by allowing a user to conveniently browse applications and provide information for an expedited search.

Conclusion

Examiner has cited particular sections of the reference(s) that are applied to the claims. While the sections are cited for convenience and are representative of the teachings of the prior art, other sections of the reference(s) may be relevant and applicable to the claims. It is respectfully requested that Applicant fully consider the reference(s) in its entirety when responding to the Office action.

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joshua Joo/
Examiner, Art Unit 2454